

REMARKS/ARGUMENTS**Request for Reconsideration**

Reconsideration of the present application, as amended, is respectfully requested.

A. STATUS OF THE CLAIMS

Claims 1 – 20 were pending. By this amendment, Claim 1 is being amended. Claims 1 – 20 are still pending and under examination.

B. CLAIM REJECTIONS UNDER 35 U.S.C. §§ 102/103

In the Office Action dated October 28, 2008, the Examiner rejected Claims 1 – 3, 5, 7, 10, and 15 – 17 as allegedly anticipated by U.S.P. 6,066,085 to Heilman. Claim 4 was rejected as allegedly obvious over Heilman. Claims 6, 8, and 9 were rejected as allegedly obvious over Heilman in view of Murakami U.S.P. 5,655,953. Claim 11 was rejected as allegedly obvious over Heilman in view of U.S.P. 4,623,530 to Lapeyre. Claims 12 – 14 were rejected as allegedly obvious over Heilman in view of Lapeyre and SU 816,458 to Dmitruk. Claims 18 and 19 were rejected as allegedly obvious over Heilman in view of U.S.P. 7,238,171 to Faries. Claim 20 was rejected as allegedly obvious over Heilman in view of U.S.P. 4,557,726 to Reinicke.

Without conceding the correctness of the Examiner's position, but solely to advance prosecution, Claim 1 is being amended. Support for the amendments to Claim 1 may be found on page 14, lines 17 – 19; page 20, lines 20 – 24; and page 26, lines 8 – 11. No new matter has been added.

Applicants' amended Claim 1 recites a novel arrangement of a blood pump actuator for generating a driving force for driving a blood pump, the blood pump actuator comprising a motor unit, a cam unit and a bellows unit. The bellows contains a fluid, such as air. The bellows

repeatedly expands and contracts according to the vertical movement of the lower bellows plate, and provides a fluidic pressure output to drive the blood pump. This can be seen, for example, in Figure 2 of the preferred embodiment, showing a blood pump actuator 100 (including a bellows), providing fluidic pressure through tube 180 to blood pump 200.

The novel claimed arrangement is not disclosed by the prior art cited. The primary Heilman reference does not disclose any bellows in a pump actuator for driving a blood pump. The Examiner cited chamber 20 in Heilman as being a “bellows” according to Claim 1. However, the chamber 20 is the blood pump itself and contains blood, and is not a blood pump actuator for driving a blood pump. In Heilman, the actuation of the pressure on the blood pump chamber 20 is performed with a mechanical actuator 30 which moves plate 28 up and down against the blood pump chamber 20. Thus, Heilman uses mechanical pressure, and not fluid pressure from a bellows, to drive its blood pump.

The secondary references fail to remedy the deficiencies of Heilman, because none of them disclose a bellows for a blood pump actuator.

Applicants urge that it would not have been obvious to combine the references as suggested by the Examiner, because the designs are very much different and it has not been shown that the parts could be substituted or modified easily, within the technical grasp of one of ordinary skill in the art. Moreover, even if the references were combined as proposed, the invention as claimed in Claim 1 would still not be provided, because none of the references discloses the claimed bellows arrangement in a blood pump actuator.

Applicants accordingly request withdrawal of the rejection of Claim 1, and all dependent claims.

C. EXTENSION REQUEST

Applicant requests a one-month extension of time, from January 28, 2009 to February 28, 2009, to respond to the Office Action. The required fee is enclosed.

D. FEES

Other than the one-month extension fee, no fee is believed to be due. No further fees are believed to be required. If on the other hand, it is determined that any further fees are due or any overpayment has been made, the Assistant Commissioner is hereby authorized to debit or credit such sum to Deposit Account No. 02-2275.

Pursuant to 37 C.F.R. 1.136(a)(13), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

An early and favorable action on the merits is earnestly solicited.

E. CONCLUSION

In view of the actions taken and arguments presented, it is respectfully submitted that each and every one of the matters raised by the Examiner have been addressed by the present amendment and that the present application is now in condition for allowance.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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CERTIFICATE
I hereby certify that this correspondence is being EFS-Web or facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 27, 2009.

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